



## **Ending Residual Paramilitary Domination in Northern Ireland? Restorative Economic and Social Inclusion Strategies.**

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*WORKING PAPER**In association with The Understanding Conflict Trust, Northern Ireland***Ending Residual Paramilitary Domination in Northern Ireland?  
Restorative Economic and Social Inclusion Strategies.****Kirsty Campbell, St Andrews University****Derick Wilson, Ulster University****John Braithwaite<sup>1</sup>, School of Regulation and Global Governance (RegNet),  
Australian National University*****Abstract***

Paramilitary violence in Northern Ireland is unfinished but finishable. In response to the 2016 'Fresh Start' Panel report (Northern Ireland Government 2016) on disbanding paramilitaries, is it time to finish through a restorative peace? This would require a focus on building justice as a better future for excluded working class neighbourhoods, challenging political and civil society organisations to unequivocally embrace the task of reconciliation, and resourcing a restorative strand of victim support complementing the valuable work of the current Commission for Victims and Survivors and the Victims and Survivors Service. Responsive adaptation of an 'Operation Ceasefire' policing strategy might also help underwrite restorative communities and restorative learning networks that do most of the work. Today's elites could consider a shift from their neoliberal frames to acknowledge their own ambivalence around the complete rejection of violence and the class character of the Northern Ireland Troubles, so often trumped by the identity politics of that 'ethnic frontier society' (Wright 1987: 1-54). Restorative economic and social inclusion strategies at the level of micro-communities, within a 'shared future' vision (Northern Ireland Office 2005), for ending the domination of the excluded by paramilitaries and other violent gangs are options. So are Operation Ceasefire strategies layered within a restorative societal fabric; not losing sight of the empirical insights of Toft (2010) and Walter (1999; 2002) that unless there is credible commitment in the years ahead to enforce the law against those who continue to rule neighbourhoods through violence—by the stick of locking them away if necessary—the carrots of peace will be gamed by the most ruthlessly militarised leaders. Complexity theory,

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<sup>1</sup> We wish to thank many anonymous interviewees, the Understanding Conflict Trust and the Restorative Practices Programme, Ulster University for assistance in completing this project and Duncan Morrow for insightful comments on a draft.

responsive regulatory theory and restorative justice theory inform this policy analysis in response to the 2016 Paramilitaries Panel Report.

### **Simplified Maps of War and Peace**

This article considers how to dismantle residual pockets of paramilitary domination in Northern Ireland, drawing insights from restorative justice and complexity theory. We place Northern Ireland as one of many stories of oversimplified peace in the mind-maps of educated publics. The world is a complicated place, so publics crave the services of journalists who simplify it for them. With matters of war and peace, scribes simplify peace processes into successes and failures. Rwanda, Somalia, Afghanistan and Iraq are prominent failures in those mind maps, even though elements of peacebuilding success can be found in those places. Northern Ireland was simplified onto the list of successes alongside cases like South Africa, Timor-Leste, El Salvador and Mozambique, even though success in those places has been patchy and interrupted by episodic rekindling of conflict.

Peter Reddy (2012) compared the Bougainville peace as a widely regarded success story in UN circles with the Somalia failure narrative. He found that just as Bougainville is more complex than the master narrative of successful peacebuilding, Somalia does not fit the master narrative of failed peacebuilding. He read Bougainville as a story of successful peacebuilding in three-quarters of Bougainville and (at that time) failed peacebuilding in one-quarter (the no-go zones). Somalia was the reverse: a failed peace in three-quarters of the nation and flourishing peace in one-quarter (Somaliland).

Seeing success within failure is important in a place like Somalia because one day peace will be more complete in Somalia. In the journey to that place it is important to focus on how ripples of peace spread in Somaliland to learn how peace zones can be widened. Indeed one way peace began to dawn in Northern Ireland was through spreading of the Graduated and Reciprocated Initiatives in Tension Reduction (GRIT) strategy put in place in Derry, one of the hottest spots of the conflict, in the 1980s (Maloney 2007: Chapter 13). Seeing failure within success is also important for a place like Bougainville because a residual armed group controlling a quarter of the countryside remains a structural risk to the peace should some destabilising shock arise. In Bougainville, it is easy to see what that shock might be (Breen 2016). Part of the 1990s peace deal was that the people of Bougainville would be given a long-term opportunity for an independence referendum, currently scheduled for 2019. Word

on the diplomatic street in the South Pacific is that much of the political elite of Papua New Guinea is minded to deny that right to a referendum because of the high probability of a vote for independence. This is an example of a shock that could re-ignite civil war. The existence of a residual armed group who control a region beyond the reach of state security services adds greatly to that risk.

The United Kingdom has now voted in a referendum to leave the European Union. The UK and Ireland understand the risks involved in demands to cut off movement of immigrants into Britain and how that is to be accomplished at the 'border' between Northern Ireland and Ireland without abrogating the 1998 Good Friday agreement. Political representatives North and South of the border immediately began postulating on how Brexit would aid their separate plights. Rhetoric around a 'Unity Referendum' was also thrown into the mix, all combining to further emphasise the instability of both Unionists' and Nationalists' situations. At the very least, all parties understand that building another big fence or wall and calling that a 'peace wall' seems a prescription for non-peace of Trumpian proportions.

### **The balance of success and failure in Northern Ireland**

The Good Friday or Belfast Agreement in 1998 was a remarkable accomplishment enabled by decades of painstaking work by many backstage peacemakers, especially from certain civil society, trade union and business groups, some church leaders, the Women's Coalition and women's groups, and front-stage peacemakers. A decisive shift toward enabling peace was made by the UK government in the 1980s moving from being a party that took one side in the conflict to being a party that partnered with the Irish government to be on the side of peace. Ultimately it took courage by the British government of Tony Blair to stare down the media critics, and releasing from prison combatants convicted of terrorist offences to participate in the Good Friday vote. It was wise courage because a stronger spirit of reconciliation had been hammered out among the older combatants inside the prisons than existed among the young men still fighting on the streets.<sup>2</sup>

Ultimately, the agreement surprised, with the level of powersharing it eventually accomplished in the Stormont parliament among old enemies from the Sinn Fein and Democratic Unionist parties, as well as the SDLP, Unionist, Alliance and (in the first election) the Progressive Unionist Party. They have worked constructively enough together to date,

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<sup>2</sup> This can be contested in many ways. For example, it can be argued that this was a step toward a peace negotiated between the most polarised extremes of the society that led to the political collapse of the moderate centre as Gerry Adams and Ian Paisley shook hands.

but that success, glamourised by some who relish taking credit for it, blinds international publics to residual problems that run deep. Reconciliation has been shallow in Northern Ireland compared to a case like Bougainville (Braithwaite et al 2010). Today 94 per cent (Nolan 2014: 120) of children attend either all-protestant or all-catholic schools. Today there are still many 'peace walls' partitioning communities, though there has been some recent progress in wall reduction in Derry and Belfast (Nolan 2014: 70). The ledger of successes and failures has many entries on both sides (Hayes and McAllister 2013). In the next section we focus on just one, the failure to deal with the most intractable root cause of the Troubles—working class grievance at exclusion from economic opportunities. We focus on this challenge because we conceive residual paramilitary enclaves to be concentrated in extremely disadvantaged communities.

### **Class exclusion in the British Empire**

Crudely put, Britain's 'final' solution to the Irish question in 1922 was to allow nationalist Catholics to rule in Dublin and unionist Protestants in Belfast. Multiculturalism and pluralism always had shallow roots in the British vision of how to manage an empire. In Burma, Britain sewed the seeds of a dozen ethnic civil wars, several still raging today, by effectively putting the Burman ethnic elite in charge. In Sri Lanka, colonial administrators tried harder to empower the large, highly educated Tamil minority, but in the end allowed Sinhalese domination of Tamils and Muslims. When greater India reeled with resentment at the political domination of the Hindu majority of the Congress Party successor to the Raj, Lord Mountbatten created two chunks of Muslim domination on opposite sides of the country and allowed them to be called Pakistan, "land of the pure". Millions died in many subsequent conflicts, especially when those two chunks separated between Punjabi-dominated Pakistan and Bengali-dominated Bangladesh. These divides still fester in Kashmir, Balochistan, Indian Punjab, the Chittagong Hill Tracts and beyond.

The most dramatic impact of the 20<sup>th</sup> century British Empire on the geopolitics of the 21<sup>st</sup> century was the Balfour Declaration, a November 1917 letter from UK Foreign Secretary Balfour to Jewish leader Baron Walter Rothschild, for transmission to the Zionist Federation of Great Britain and Ireland. It declared that part of the forthcoming British Mandate over Palestine would be carved out for a Jewish ethnic and religious state that would dominate the Palestinian majority and turn them into a minority in that homeland. It came to be known as Israel.

When the whites took charge over darker skinned majorities in Washington, Ottawa, Sydney, Cape Town and Wellington, something less than civil war, something that gradually became more multicultural and secular, resulted. Yet in all these white settler colonies, long-term legacies of poverty and violence festered among excluded native populations. They were the lawful owners of these lands who were crushed and told to lump it when they complained of white expropriation and domination. Except in South Africa, they quickly became such small minorities that they could not claw back control from white settler domination.

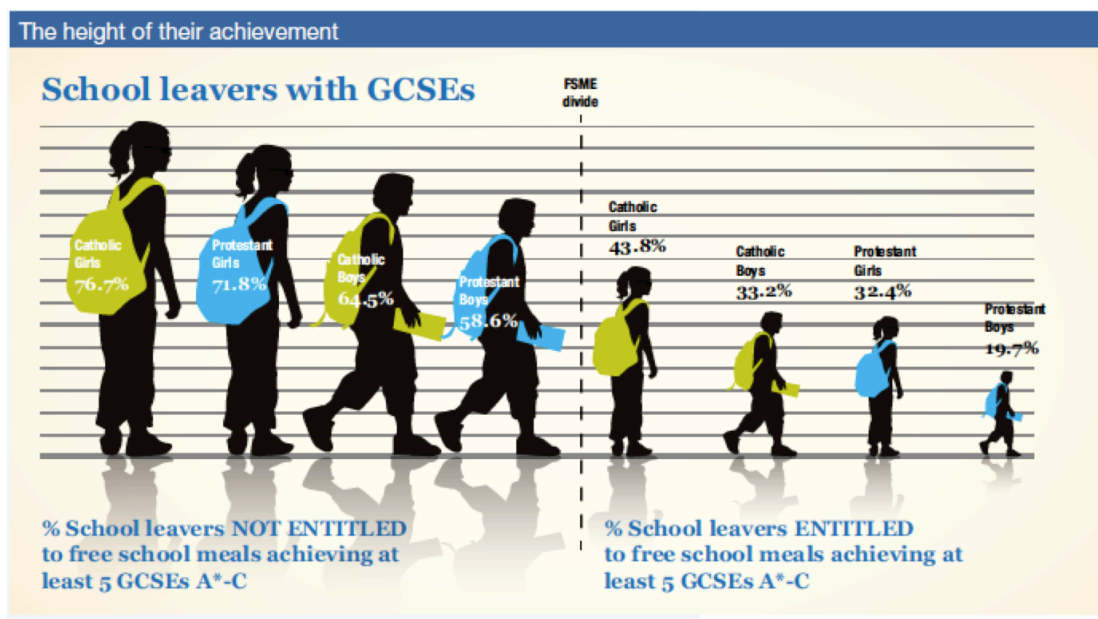
The situation in the ethnic frontier society of Northern Ireland, where Catholics were perceived to be destined ultimately to move from the minority to the majority, had structurally quite different implications for the empire. The root pathology was the same, however. It was that same pathology of an imperial propensity to allow this majority group to dominate minorities in one place, a different majority to dominate in another. On the positive side, the British Empire bequeathed a rule of law and democracy to its former colonies. Yet most of them became ethnic democracies like Israel, Sri Lanka and Burma (until its military coup) (Peled 2014). Europe and other major powers can learn from the common pathology of these histories that it takes a long time to recover from the enforced creation of a state that resists multiculturalism and limits powersharing among religious and ethnic groups (Peled 2014).

Another commonality across these former colonies was that political exclusion mapped onto class exclusion during the post-colonial era of industrial capitalism. Non-whites in South Africa and Australia found it hard to get skilled factory jobs during the eras of Apartheid and of the 'White Australia Policy'. Hindus and Christians found it impossible to get factory jobs in Pakistan. Muslims failed to get good factory jobs in Buddhist Sri Lanka, as with Rohingya Muslims in Buddhist Burma.

Likewise, Northern Ireland Protestants after the 1930's were relatively privileged through an almost exclusive monopoly on key industries. They had secure, good quality industrial jobs that were skilled and relatively well paid. What could be more intrinsically rewarding industrial labour than building Belfast's big ships and watching them launched to command the empire's seas? The jobs of these privileged 'aristocrats of the imperial working class' are now gone, as are the lucrative coal mining jobs of other parts of the empire. Catholic exclusion in Northern Ireland was not just political. It was also exclusion from the quality jobs in the shipyards and other worksites that were controlled by Protestants.

The emergence of the Civil Rights movement in Northern Ireland was a non-violent protest, a statement of arrival by a new educated middle class youth. The Northern Ireland economy was booming in the 1960s and the Welfare State had disproportionately assisted Catholics. The two-way working class resentments fuelled the violence that overwhelmed the promise of the non-violence of the educated youth who launched the Civil Rights movement.

Exclusion from politics and employment had long been fundamental to the attractiveness of the IRA to Catholic youth. Yet when young Protestant workers lost their secure access to the factory jobs their fathers had monopolised, their sense of relative exclusion and loss of identity, particularly in the 1970s and 80s, was even more profound. Following Charles Taylor (2007), Audra Mitchell (2011: 13) describes this as a 'loss of meaning' of traditions, symbols, 'horizons', 'transcendent goals' and more. In the poorest neighbourhoods of Northern Ireland, loss of life purpose plays out in particularly shocking literacy and school performance of Protestant boys, compared to Catholic girls, for example (see Figure 1). For reasons not dissimilar to the appeal of the IRA to Catholic boys, the appeal of Loyalist paramilitaries to working class Protestant boys escalated during deindustrialisation and its aftermath.



**Figure 1.** General Certificate of Secondary Education (GCSE) attainment of school leavers in Northern Ireland (from Nolan 2014: 97).

These root causes of the Troubles in the politics of class and exclusion have an intractability about them. The British Labour Party (that has resisted organising in Northern Ireland) and



the social democratic parties of Northern Ireland might be conceived as the natural vehicles for long-term struggle for redistributing wealth and recreating jobs that can employ underclasses. But a reluctance to organise, or poll-driven political calculations, have seen social democrats focus on middle class median voters who can swing contemporary elections for them.<sup>3</sup> At the same time, elsewhere, the Boris Johnstons, Nigel Farages and Donald Trumps of conservative politics broaden their base by working class appeals to a politics of exclusion—of non-whites, Muslims, Poles and Pakistanis. Yet there is also a niche for a Bernie Sanders style of politics in the aftermath of the Global Financial Crisis that seeks to persuade leaders of all parties that inequality has reached the point where it is holding back economic growth, driving down the educational performance of the young, driving up suicide<sup>4</sup> and increasing health budgets. Economists who are uncovering evidence of the economic destruction that inequality is causing are now joining hands with wider battalions of thinkers and persuaders who are gradually gaining some traction with some leaders of major parties. Despite low-level inter-party bickering in Northern Ireland, cross-party consensus on an imperative to reduce inequality is not impossible. Likewise, cross-party consensus, post-Brexit, on the imperative to work harder at transforming Northern Ireland and British culture and politics, and global politics, toward a politics of inclusion, is far from impossible.

In the next section we will conclude that structural inequality and a cultural politics of exclusion (and violence) are highly interconnected problems in the most disadvantaged communities of Northern Ireland. It is not surprising that the areas now worst affected by poverty were those worst hit by violence during the period of the Troubles. We will also see that these dynamics of structural inequality and cultural exclusion are reinforced by the local dominations of residual paramilitary groups in these communities. So we conceive paramilitary persistence as both reinforced by class inequality and exclusion and a cause of it. Their persistence is additionally aided by a wider reluctance of many citizens, political and civic organisations to unequivocally reject violence and fully embrace the demands and

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<sup>3</sup> As Duncan Morrow commented on an earlier draft, the SDLP was always an amalgam of nationalists who rejected republicanism and socialists who saw the Empire as an obstacle to working class unity. Over time, socialism decayed as the notion for working class unity got less and less traction. The civil rights leadership were representative of the new catholic middle class - the group who have done best out of the social changes in Northern Ireland since 1969. Sinn Fein spoke for resistance in the heartland.

<sup>4</sup> In the years following the Troubles in Northern Ireland, young people have been killing themselves in alarming numbers (see McKee 2016).



opportunities of lasting reconciliation. So a policy strategy to encompass each of these together is needed.

As we consider the imperative for finally shutting down paramilitary groups in Northern Ireland in the rest of this article, we must never lose sight of the larger struggle to diminish the root causes that give rise to them and the wider tide of ambivalence they are supported by. At the same time, those who campaign at the macro level for inequality reduction must join with those who develop micro strategies for 'post-conflict' communities left behind by post-industrial growth strategies (Autesserre 2014; Gaffikin & Morrissey 2011). Micro-macro synthesis of political ambition can be a remedy of meaning-making for disenfranchised young men and women of disadvantaged communities: connecting them to meaningful community organisation on their street and to a macro-politics of NGO struggle for tackling inequality (Wilson 2016 a).

There is much that remains inspiring about the Good Friday Agreement and Northern Ireland's struggle for peace in the 18 years since. On the other hand, so much remains to be done because, as one distinguished journalist put it during our fieldwork: 'The architecture of Good Friday provides a conflict stalemate not a conflict resolution. It allows all parties constructive ambiguity that became destructive clarity that the stand-off will last a long time'. Or as one former Loyalist paramilitary leader bitterly put it in one of our interviews: 'The Good Friday Agreement was a ship that was launched but never fitted out.' Another leader in that meeting used the example of the Titanic quarter in Belfast being sold as an initiative that would promise his community countless jobs as a peace dividend. 'Those jobs did not arrive for them.' The Peace Agreement of 1998 has enabled many new jobs to be created in Northern Ireland (see Cunningham 2016), however these benefits have been overwhelmed by the impact of deindustrialisation in communities that have been left behind.

One of the great institutional innovations of Northern Ireland peacebuilding has been the creation of an Equality Commission to take initiatives to reduce horizontal inequalities between different groups (particularly Catholics and Protestants) and to monitor systematically those inequalities. Its statistical record is of formidable success.<sup>5</sup> For Northern Ireland as a whole, educational inequality between Catholics and Protestants has narrowed greatly, particularly in higher education, as has Catholic-Protestant inequality in employment (Todd 2015: 16-18). As explained above, however, this has been accomplished more

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<sup>5</sup> See <http://www.equalityni.org/Delivering-Equality/Addressing-inequality/Employment/Research-investigations>.

through reduced employment opportunities of Protestant working class youth than an expansion of employment opportunities for Catholic working class youth. The very success of the Equality Commission agenda of reducing horizontal inequality makes unemployment more painful for those left behind. This problem festers because it is concentrated in areas of segregated Catholic disadvantage and, on the other side of interfaces (physical or mental walls), concentrated areas of Protestant disadvantage. These enclaves of deep and persistent disadvantage sustain the continued local hegemonies of residual local paramilitary groups.

Because the class inequality problem in Northern Ireland is ecologically concentrated (Hayes and McAllister 2013), and because this sustains paramilitary domination, the peace imperative is not just for macro-structural reductions in inequality, but also for community work that tackles community-level inequality, builds resilience and generates mutual regard; starting at the most disadvantaged enclaves and then moving on to more moderate disadvantage (Carnegie Trust 2014).

### **The 2016 Paramilitary Panel Report**

Political insecurity has deterred some investment, leaving many people in working class communities, nationalist and unionist, disillusioned.<sup>6</sup> While more than 80 per cent of the people of Northern Ireland have been liberated from fear of bombings and shootings in their own neighbourhoods,<sup>7</sup> a minority in the poorest areas have been left behind by the peace. They live in fear of criminal gangs and some remaining Loyalist and Republican paramilitary organisations, which continue to inflict punishment beatings, expulsions, kneecappings and other shootings on young people who they perceive to have upset the community.

In 'A Fresh Start', the agreement between the major parties facilitated by the British and Irish Governments in 2015, the task of 'Ending Paramilitarism and Tackling Organised Crime' was agreed as a priority (Northern Ireland Government 2015: 14-18). A three-person panel was appointed by the Executive, with the task of bringing back recommendations for a strategy to disband paramilitary groups for agreement and action before the end of May 2016. We met members of this panel the day after they submitted their report. Its members were Lord Alderdice, John McBurney and Monica McWilliams (2016). The panel reported a healthy macro picture of violence reduction. In the peak year, 1972, 470 people were killed

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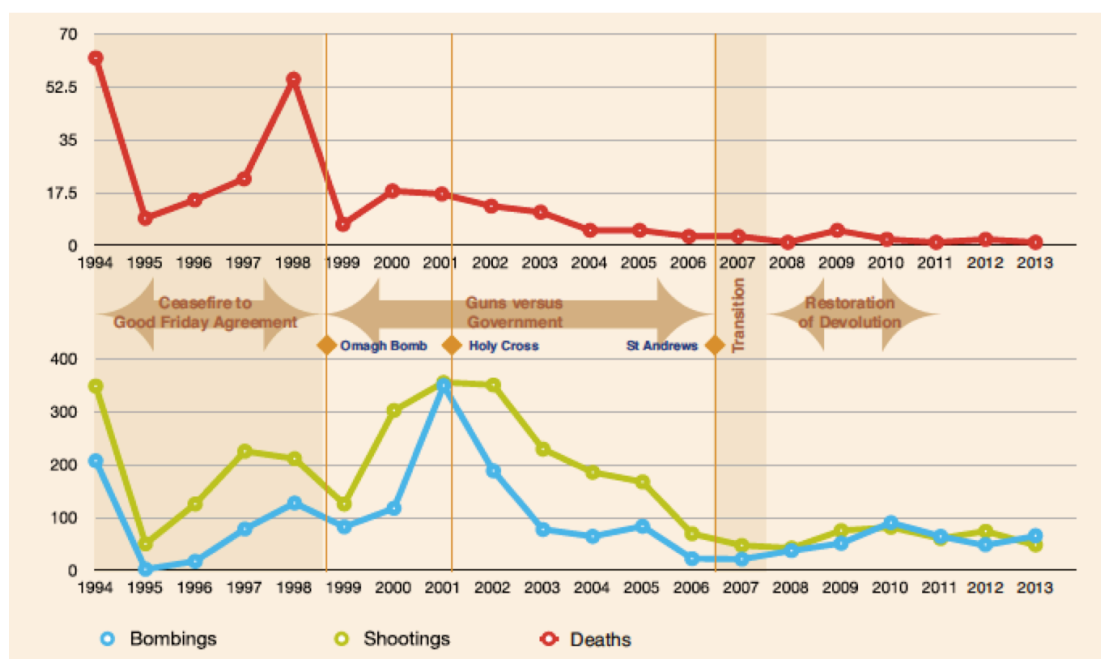
<sup>6</sup> See <http://www.community-relations.org.uk/programmes/peace-monitoring>.

<sup>7</sup> As Duncan Morrow put it in a comment on our draft, this means that 'the ability to ignore the conflict has grown except at the front line. But also that peace implies indifference and a loss of solidarity. This has huge impacts on the poorest who feel abandoned by peace, not liberated by it.'

in the Troubles. By 2015 this had fallen to two killed by paramilitary groups, a sharp, sustained reduction having occurred in 2005 and 2006 (Monaghan 2008: 98-99). While incidents of paramilitary violence continue to be large in number, today they rarely kill and are mostly directed against members of their own most disadvantaged communities.

*Former members of the Provisional IRA have been directed to become involved in political activity. Similarly, members of the UDA, UVF and RHC [the protestant paramilitaries] have been directed towards community engagement and conflict resolution initiatives (Alderdice, McBurney and McWilliams 2016: 7).*

In our interviews, however, it was clear that all of these groups believe that their paramilitary adversaries on ceasefire still selectively use violence to achieve their objectives when political means do not work (see also Mitchell 2011). As a result, they are reluctant to disband totally and to completely discard their own capabilities for selective violence. Some continue to recruit new members because violence creates leverage (as well as alienation). Moreover, Loyalist paramilitaries point to ongoing (though contained) armed campaigns of dissident Republican groups who had never joined the ceasefire. They were responsible for 12 deaths in the 6 years to 2015, and bombings and shootings against 175 people—77 per cent of them Catholic civilians (Alderdice, McBurney and McWilliams 2016: 8). The Police Service of Northern Ireland (PSNI) recorded 88 brutal paramilitary attacks in 2015, most of them shooting in the knees, elbows, feet, ankles or thighs, generically often referred to as kneecapping (Alderdice, McBurney and McWilliams 2016: 9). As in other areas, Republican and Loyalists paramilitaries maintain their own unique approach: the Republicans favouring punishment shootings, while the Loyalists opt more widely for punishment beatings. While both have a lasting individual and community impact, the latter was identified to us as having a more acute physical impact. Medical technologies have advanced to cope better with kneecappings, while the multiple injuries, head trauma and organ damage caused by punishment beatings are discernably more life-altering. Shootings and brutal beatings are way down compared to earlier periods of the Troubles, during which 4000 such incidents are officially recorded (undoubtedly an undercount; see Figure 2). Unfortunately however, more recent data than in Figure 2 shows that 'paramilitary style attacks increased by 34% in 2014/15, the highest number of incidents recorded since 2009/10. Within these, there has been an increase in the proportion of paramilitary style shootings that are attributed to Loyalists during the last two years.' (PSNI 2015: 2)



**Figure 2:** Security related deaths, bombings and shootings in Northern Ireland since the 1994 ceasefires (Nolan 2014: 39).

However, 88 paramilitary attacks remains a big number for such a serious kind of violent crime in a population of just 1.8 million. It is an even bigger number when one considers non-reporting to the police by terrified victims and the fact that the overwhelming majority of Northern Ireland neighbourhoods are not affected at all by paramilitary attacks by their neighbours. Within the small number of communities that are affected, 897 people were driven out of their homes by paramilitary threats from within their own community in the two years to 2015 (Alderdice, McBurney and McWilliams 2016: 9). There were in addition hundreds of homophobic attacks (McVeigh 2015) and quite large numbers of racist and ethnic attacks (for example against Poles and Muslims) where, particularly Loyalist, paramilitaries drove people from their homes. As a result Northern Ireland was dubbed the 'race hate capital of Europe'. Partly this is paramilitaries pandering to populist prejudice; partly it is about excluding people who might contest rather than meekly submit to the paramilitary control of a street.

None of the residual paramilitary groups that met with the Alderdice, McBurney and McWilliams (2016: 5) Panel were willing to use the word 'disband'. The authors therefore conceived of 'losing their significance', 'withering away' and 'transformation' as possibilities,

but disbandment as difficult. Only one paramilitary group, the Provisional IRA, has translated paramilitary power into electoral success, a source of much resentment among the Loyalist community. All the others, including the dissident Republican groups, despite their very limited local electoral appeal, have consolidated pockets of power through local community domination.<sup>8</sup> The worry is that a prevalent form of their transformation is to an organised crime group. This seems not to be limited to traditional forms of organised crime such as smuggling cigarettes and other drugs but to include dangerous new forms of criminal innovation such as dumping hazardous waste (Alderdice, McBurney and McWilliams 2016: 29) and renting guns to Dublin's organised crime groups. The principal distinction among paramilitary groups is between those 'on ceasefire' and those who have never joined a ceasefire. Our submission is that neighbourhood-level restorative justice is the contemporarily relevant path to signing up all groups to a renewed and complete ceasefire.

### **The restorative justice option**

The Alderdice, McBurney and McWilliams (2016: 22) Panel recommended an important role for restorative justice in the transformation of paramilitarism. It should come from a 'dedicated fund for restorative justice initiatives to provide enhanced levels of resources over longer periods of time'. In this section, we consider ways this could be achieved.

Community restorative justice has had, and continues to have, an important role to play in this peace process. In many neighbourhoods of Northern Ireland, formerly armed groups have abandoned social control by punishment beatings and shootings in favour of community problem solving through restorative justice.<sup>9</sup> Indeed, Eriksson (2009) and Chapman, Wilson and Campbell (2012) trace the origins of community restorative justice in the mid-1990s to disenchantment inside Loyalist and Republican paramilitary groups with the punishments they were dishing out to their own communities. One possibility for the future is to persuade *all* remaining paramilitaries to renounce punishment beatings, shootings and expulsions, to renounce military structures that continue to bestow military titles like brigadier, adjutant and commander upon paramilitary remnants, to renounce the

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<sup>8</sup> As one interviewee put it: 'It was inevitable that the on-the-street element in politics would use on-the-street tactics when no side in the politics of the centre is able to win and no side is willing to lose'.

<sup>9</sup> There are of course limitations in ex-combatant leadership of restorative justice. Because most combatants were male, making ex-combatants 'subjects rather than objects' (McEvoy and Shirlow 2009) risks male domination (Ashe 2015), though there have been, and are, significant female leaders of these programs as well.

drug trade, and to embrace participation in community restorative justice that is accredited by the Criminal Justice Inspectorate.

That will be no easy challenge because our interviews made clear that former members of armed groups that have been marginalised from the electoral process feel ‘demonised’ (the word they most often used to us). They feel excluded from the peace and ‘stigmatised’ (again not a word choice that reflects the authors’ theoretical predilections, but a word they frequently chose to use)—stigmatised by politicians of the major political parties and by the media. Making a politics of inclusion work for them will not be easy. Violence has made them the powerful figures they are and better off than peers who rejected violence. In their own minds, and in the minds of some they protect, they are distinguished from criminals because they do protect people from mortal threat. So they see themselves as condemned to keep the threat going. Yet if they are to shake off their stigma, like all other citizens, they also need to move to embracing and supporting each different citizen having a right to live free from threat, free from the fear of having violence done to them. Understandably, most citizens spurn a superior or special place for those who have the ability to ‘otherwise do violence’. What is not possible is to allow paramilitary leaders to have a place in society based on their capacity to do violence.

Scholarly evaluations of the community restorative justice programs led by former Republican and Loyalist prisoners have shown success (Mika 2006), as have the official evaluations of the Justice Oversight Commissioner, the International Monitoring Commission, the police and the Criminal Justice Inspectorate (McEvoy and Shirlow 2009: 42). For example, many members of armed groups convicted of violent crime and released from prison to participate in the creation of the unusually combatant-led restorative justice of Northern Ireland, found a new meaning for their lives and have experienced unusually low recidivism rates (McEvoy and Shirlow 2009: 33). For the most part, ex-combatants have followed the advice of leading ex-combatant and restorative justice leader, Harry Maguire (quoted in Mitchell 2011: 148):

*Republicans and particularly ex-combatants have to understand that their goal was to bring about change [so they] cannot expect everything else to change but them . . . as the situation transforms, you have to transform with it.*

Restorative justice has contributed to the comparatively extremely low homicide rate in Northern Ireland, for a post-conflict society, of lower than 1 per 100,000 (less than half the European average), and to continuously falling crime rates since 2002 (Knox 2016: 13; Nolan 2014: 27). Northern Ireland can be proud of the fact that this has been achieved with

an imprisonment rate one third lower than the rest of the UK (Nolan 2014: 61). Domestic and sexual violence has barely moved up at all which is extremely unusual in a post-conflict society, though, unlike other forms of crime in Northern Ireland, the trend is more up than down (Nolan 2014: 36). In addition, such measures of the incidence of domestic violence always have limited meaning because of non-reporting, and increases may be a positive development due to more accessible reporting mechanisms. On the other hand suicide rates have been increasing clearly and substantially throughout this century in the poorest communities (2016: 11). Children raised during the Troubles have the highest, most rapidly increasing suicide rates (Tomlinson 2012). Suicide is highest among young people who have suffered traumatic events such as beatings (O'Neill et al 2014) and highest in the most violent and disadvantaged areas of Belfast (Nolan 2014: 113). One might say that paramilitary violence has been so efficient that people have such a high fear of paramilitary murder in areas under their control that the paramilitaries rarely have to resort to the reality of murder. Indeed, people still regularly attend voluntarily to paramilitaries 'sentencers' to be beaten or shot on demand, without complaining to the police. In addition, members of the community will report troublemakers directly, as a means of stopping antisocial behavior such as vandalism or thefts. We heard of a mother that requested her own teenage son be punished by paramilitaries because he was beyond her control.

Hence, the time has come to re-invigorate restorative justice and its standards of practice. The key re-invigoration needed is connecting restorative justice to the community-level challenge of moving former paramilitary leaders and operatives from being patriarchal community dominators to non-violent community enablers. That means restorative justice focused less on individual offenders and victims and more on egalitarian community transformation. It means transformation of former armed groups by engaging them with a strategy for an interdependent (Eyben, Morrow and Wilson 1997) society, with 'justice as a better future'<sup>10</sup> for everyone in their community and the wider diverse society that is developing—more and better jobs, better educational opportunities and healthcare. Peacebuilding funding, which in the past has mostly come from the European Union and has, among many other important developments, provided resources for paramilitary

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<sup>10</sup> We are indebted to conversations with Clifford Shearing for the concept of 'justice as a better future'. He found that this was what people in his community justice projects wanted rather than punitive justice in 1990s South Africa. Shearing believes that justice is best when it is about 'repairing the future' so that it is 'fixed' before it causes more suffering. 'Fairness and a sense of right is achieved, not by a balancing of disadvantage, but through the creation of a countervailing advantage accomplished through a credible guarantee of future right-doing' (Shearing and Johnston 2005: 33). Shearing was a member of the Patten Commission on Policing in Northern Ireland.



members who totally abandon violence to become community workers, should continue as one important practical path. Such funding must be subject to these employees and the organisations they are employed by, working to the standards of rigour of professional youth work, social work or community work, professional values and standards, and being held to account through working restoratively to promote an explicitly shared, interdependent and diverse society.

That requires a post-Brexit commitment of non-Euro funding. It means both private and public investment in poor areas. It means persuading major supermarket, hotel and movie theatre chains, which for decades have shunned investment in the poorest of the poor Northern Ireland communities for security reasons, that they have a corporate social responsibility to shift more of their investment into these areas and re-locate major public buildings to such areas. New publicly funded sporting stadiums built for major sports or minor ones, are important investments that attract retail and other jobs. In the past, the most insecure communities were the last places to be considered for such investments. Restorative appeals to organisational social responsibility are needed to issue collective demands that they become the first to be considered. Youth leaders and adult community leaders must be facilitated to sit at the table with investors to guarantee that the collective efficacy (Sampson, Raudenbush and Earls 1997) of their community will be mobilised to prevent violence or exclusion at their new sporting stadium or shopping mall. Likewise with new hospitals, new aged care homes, new premises for IT firms and all manner of service sector firms that are the successors to the old industrial economy.

The new restorative justice strategy, in short, might motivate the total transformation of security, with leadership from former paramilitary groups, with state investment that replaces EU investment, by being explicit about the 21<sup>st</sup> century peace dividend being pursued at a very local level, and within a wider restorative society approach (Wilson 2016b). The engagement of restorative justice advocates with the campaign to get Derry its fair share of public investment in tertiary education shows the kind of lead that is needed (Bradley 2013). Restorative processes focused on individual crimes can also be relevant in important ways to community transformation. For example, if a crime victim needs a rehabilitation service that is available only at centres located in middle class communities, community restorative justice has a job to do in getting engaged with shifting some of that investment to the poorest communities.

One idea we discussed with community groups was for somewhere in Northern Ireland to take the fresh start to renewal of establishing a 'restorative community' or a 'restorative city'

or a 'restorative region' perhaps as part of the International Learning Community that embraces cities like Halifax, Whanganui, Leeds, Hull, Burlington and Canberra. Restorative Practices, Ulster University, through their 2012-16 European Union Framework 7 'Alternative' programme, have been exploring a Derry restorative community approach (Chapman et al 2016) and Wilson (2016b) is currently involved in promoting small steps towards a restorative learning region for Northern Ireland plus the border regions. These initiatives mean a whole community approach to restorative justice, as described, where restorative justice as a replacement for punishment beatings learns from restorative justice in the health system, the education system, in child protection, in disabilities and in human rights commissions. While the focus of restorative justice in the UK needs to shift from a national programmatic focus to a focus on the most needy local communities, these communities can flounder unless they are embraced within a learning network that energises and supports their bottom-up ideas.

Another idea we discussed widely during our fieldwork involved a restorative renewal of victim support complementing the valuable work of the current Commission for Victims and Survivors ([www.cvsni.org](http://www.cvsni.org)) and the Victims and Survivors Service ([www.victimsservice.org](http://www.victimsservice.org)). As in all other armed conflicts, many individual victims still feel that their individual needs have not been responded to (Eames and Bradley 2009). Their expectations of transitional justice have not been met, in spite of large public investments in this. They regularly see on the street that man wearing the watch he stole after he brutally beat them or the untouchable paramilitary whom they allege was responsible for rape.

So we wonder if a targeted pilot restorative community, city or region might invest, with outside funding support, in offering *all* families that were victims of the conflict in that pilot area a renewed, individualised restorative process concerning their victimisation. A 'Fresh Start' at restorative justice, that offered every single person victimised by the violence of the Troubles an opportunity to take stock of what help they have and have not received toward justice as a better future, would be a bold restorative justice innovation. The best approach would involve a maximally inclusive definition of who a victim is: a victim is someone who says they need more help and wish to be listened to on why they need more help. The fact that they have a right to a hearing at an initial conference is no guarantee that resources will be mobilised for their definition of their needs. Many victims would not want such a hearing of course. Some might even be satisfied with the support they have already received. The sequence of restorative meetings with them would put them in contact with resources their family might still need for dealing with PTSD, alcoholism, drug abuse and anger. It might

help with adult educational and job placement opportunities for victims who missed out on parts of their childhood as a result of the conflict. Individualised victim support to respond innovatively to the profundity of the residual class inequalities caused by of the Troubles can be as important as individualised support to respond to the suicides the Troubles increasingly cause.

Some will argue that any attempt through restorative justice to address a single source of poverty (such as the Troubles) to the neglect of other sources of poverty will be controversial or bad policy. There are two levels to the answer to this concern. One is that it is in the nature of welfare policy that not all programs are universal, but that suites of non-universal programs tailored to particular kinds of needs in combination with universal programs make for the most robust poverty-reduction. So when a National Disability Insurance Scheme is introduced, as recently happened in Australia, people do raise concerns that the program directs so much money to the disabled to the exclusion of people who are poor for other reasons. The answer is to advance the program as just one of a suite of non-universal programs that are complemented by universal ones such as free education, and hybrid ones such as progressive taxation which discriminates against the rich, exempts the poor and moderately taxes the middle class. The second level of the answer is that we propose a restorative form of justice re-investment. Most victims of terrible violence in the Troubles say that they want their perpetrator to go to prison and the leadership of the organisation that targeted their family also to be prosecuted. In part, what such restorative conferences are about, is the police saying to people that all these decades on, it is very unlikely that there will be new evidence to change the calls that a stretched post-conflict justice system has made so far about their case. The system simply cannot cope with doing more criminal investigation with the many tens of thousands of cold cases of serious assaults for which they do not have clear proof of the identity of assailants. To put it another way, the justice system could do something about them, and even produce a few convictions, but only if a billion pounds were shifted from other priorities like social welfare to policing. Our argument is that it is better to prioritise the flow of resources in the opposite direction. Instead of spending ever more thousands of pounds on investigating cases that are unlikely to produce a conviction, let the state be willing instead to use a smaller amount of money to offer victims 'justice as a better future'. Imagine the victim says in the restorative justice conference that 'my first demand is for the person who blew off my legs to go to prison'; but also says that he/she was prevented from finishing their university education and getting a good job because of injury and because of that is today unable to support their children to go to university. There is then a justice rationale for a conference agreement that a modest

payment (capped by ceilings on payments approved by the government) be made available to the victim to support the future education of children who are currently burdened by supporting the victim, for directing carer payments to university age children who spend much of their time caring for their father or mother instead of studying. The restorative conference can discuss with the victim how 'justice as a better future' may be a better form of justice for the family than the state leaving no investigative stone unturned in pursuit of punitive justice. From the state's perspective the 'justice as a better future' option is cheaper, and from a poverty reduction perspective, some resources are re-invested from punitive justice to justice as poverty-reduction.

If individual victim families wish to meet with perpetrators, Republican or Loyalist paramilitary leaders from their area, that facilitation can be attempted; that stolen watch might be returned accompanied by a humbling apology and offer of help to a still struggling family. If they were victims of police and army actions, the same process could apply. If they wish to create a record of their suffering, or for their aspirations for a transformed future to be lodged with a local museum of memory, that could be facilitated.

We were always impressed by the way the President of Chile sent a signed letter to every family of a disappeared person with Chile's Truth Commission report. In such a letter from a relevant body or leader in Northern Ireland to every victim family in the pilot it would be possible to address themes such as: whether the remains of the small number of still disappeared victims had been located or not; whether prosecution had been launched or not; whether prosecutions might be initiated; what steps were being taken; what had been done; what further investigative steps would continue; and what could not reasonably be expected. Likewise, if no further compensation or educational or welfare support could be provided, there could be a written apology for the limits of the support for victims that was possible under the finite victim support budget appropriated by the elected legislature.

These are no more than ideas for extending the writ of restorative peacebuilding in Northern Ireland. They sound ambitious. But Northern Ireland is a place we look to for taking transitional justice up through new ceilings of excellence. As one official put it: not everyone has the resources to push a politics of hope, to re-story Northern Ireland in a restorative way. But for those of us who do, we have a 'duty of hope'.

### **Credible commitment to end impunity against spoilers**

Alderdice, McBurney and McWilliams (2016: 17) reported community perceptions that ‘some individuals are “untouchable”’. Then they reported police denials that they refrain from enforcing the law against anyone for fear that challenge to their domination of a neighbourhood might lead to their abandonment of ceasefire. Some people we spoke to defined localised no-go areas for the police, especially after dark, where paramilitaries effectively do the policing. Conversely, paramilitary interviewees alleged that certain individuals who were prominent drug dealers were untouchable because they were informants to the police on paramilitary activities. The Troubles, by their account, created, and continues to create, a lucrative organised crime niche as a paid informer who then uses de facto immunity to pursue entrepreneurial careers in organised crime. These interviewees complained of providing evidence to the police on the criminal activities of such people, even in respect of sexual abuse of children, without eliciting interest from the police in enforcement action against such ‘untouchables’.

The Panel recommended clear steps toward de-militarisation:

- Ending recruitment into the group;
- Giving up paramilitary structures, weapons, training and activity;
- Ceasing paramilitary-style attacks and all other forms of violence, threat of violence or intimidation;
- Ceasing to exercise coercive power and control in communities;
- Committing to democracy and the rule of law, including by encouraging law-abiding responses to criminality; and
- Successor organisations must not benefit from or be associated with criminal activity of any kind (Alderdice, McBurney and McWilliams 2016:12).

Many of these steps might be taken by community restorative justice processes such as local community leaders meeting with paramilitary leaders in the restorative circle, persuading them to end recruitment and military training, to cease calling leaders by military titles, to destroy more of their weapons preferably in local community rituals of weapon destruction, to use each restorative reconciliation after a paramilitary beating as an opportunity to take another step toward cultural transformation away from violence, and to link paramilitary members to legitimate employment opportunities as alternatives to careers in organised crime.

Restorative approaches to peacebuilding that embrace unconditional impunity can be dangerous, however. Monica Duffy Toft's (2010) study of 116 civil wars since 1940 showed the dangers of peace agreements that fail to balance rewards to combatants who join a peace—such as protection from assassination by their enemies, development and reconstruction assistance and a share of state-funded jobs from a peace dividend—with punitive consequences when they spoil the peace and make their earlier victims still vulnerable. When peace agreements deliver only benefits to combatants without the assurance of credible threat of punishment, a peace is vulnerable to cheating. It also risks tactical ceasefires that are gamed as respite to refocus, retrain, rest and rearm. Toft (2010) found the quantitative pattern of post-1940 conflict to support the hypothesis that peace agreements only increase prospects of peace when they both credibly promise benefits and credibly prevent impunity for spoilers. If they promise benefits without preventing impunity of spoilers, they increase prospects of further war. Carrots for warlords to join a peace tend to be gamed if they are not balanced with sticks when they use military power to break out from the peace deal. In Barbara Walter's (1999, 2002) empirical analyses, peace endures when third parties provide credible commitments to enforce settlement terms (see also Regan 1996: Table 6). Without credible commitments, combatants game the peace to gain through deception what they could not command through battle. An implication of this analysis is that we might see the transitional justice literature as emphasising prosecution for the worst crimes of the distant past to the neglect of prioritising finite prosecution resources upon the worst new spoilers of the peace.

Another implication of Toft's analysis is a risk of a return to civil war unless the legitimate are made powerful or the powerful are made legitimate.<sup>11</sup> A strength of the Northern Ireland peace process is that to a degree both have occurred. The most powerful armed group that has disbanded, the Provisional IRA, have been made legitimate through their political wing, Sinn Féin, becoming a successful party in electoral politics. The Patten Proposals and exhaustive enquiries into collusion between security forces and loyalist paramilitaries such as the Stevens Inquiry (2003) all contributed to the generation of major, internationally overseen police reform and the empowering of police reformers who have built a much more legitimate Policing Service of Northern Ireland (Morrow et al 2013; Murphy 2013).

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<sup>11</sup> The Provisional IRA and the RUC are conceived here as examples of the powerful being made legitimate; the appointment of peacemakers of the moderate middle of civil society to the Board of the Policing Service of Northern Ireland are examples of the legitimate being made powerful, as have been moments in the peace process where women's NGOs and churches exercised some degree of episodic power.

Toft's (2010) data from 116 previously violent locations suggest that security sector reform is imperative for sustainable peace because the police can on the one hand credibly enforce the law against spoilers and on the other hand can be seen as a murderous illegitimate force in the eyes of communities.

As the early part of this paper emphasised, however, transforming the core of the power structure of both sides away from settling disagreements through violence does not secure a stable peace unless the violence of peripheries of militarised power is also prevented, democratised, submitted to a rule of law; and unless the wider society becomes explicitly and unambiguously committed to a deeper process of relational and structural reconciliation. Responsive regulatory theory argues that restorative justice can be more effective when it is clear that if the restorative process fails or falls apart, mainstream punitive justice can step in to take over the case (Braithwaite 2002; 2016). This article develops a variant of that approach where an Operation Ceasefire approach steps in when community restorative justice fails.

### **From an 'Operation Ceasefire' to an 'Operation Cease Paramilitary Punishment Attacks' option**

In Boston the context for developing the idea of Operation Ceasefire was a familiar one—gang killings where everyone knew which gang had perpetrated the latest murder, but where proving anything in court was impossible. The Inter-Agency Operation Ceasefire group gave Boston gang members the message that 'We know who you are. We know what you're doing, so we are putting in place new rules of the police enforcement game from a named date. You might believe now that we do not have the resources to investigate all the crime you commit or to get witnesses to testify against you, but after this date, if your gang shoots someone, we will focus all our enforcement resources at putting your members back in prison for failing to comply with parole and probation orders and any other offence on which we can marshal the evidence against you.'

The first Ceasefire intervention involved the Vamp Hill Kings in 1996 after a quick succession of three homicides. Street drug markets were disrupted, warrants served, probation conditions enforced, some indictments launched. Compliance did not come readily. A further homicide occurred during the Ceasefire intervention. But eventually sit-down forums with gang members got the message through. In the twenty years since, evidence-based criminology has demonstrated considerable effectiveness of this approach



in reducing homicide (Kennedy 2009; Braga and Weisburd 2012; Braga, Apel and Welsh 2013).

The original Operation Ceasefire approach developed by David Kennedy (2009) with Harvard and Boston police colleagues has been adapted in other cities in the United States and beyond in a variety of ways. They all involve targeting a form of violence, mainly gun crime by gangs, after a dialogue with the gang that sets a date beyond which the first new instance of the targeted kind of gang crime will result in an enforcement crackdown on the gang. Best implementation practice complements these sticks to end impunity for organised violence with carrots to offer paths into the legitimate economy for gang members. By our restorative justice lights, the dialogue and economic and social inclusion facets of these better practices are ones that should be more emphasised than we see in most of the examples of Operation Ceasefire in practice.

In the Northern Ireland context, it might be best for Operation Ceasefire dialogues to be led by respected leaders from civil society appointed by the government, with the PSNI participants in the dialogue rather than leaders of it. Some have suggested that, as in the North American programs, the target should be punishment shootings. Others argue that this could be a mistake because it could cause punishment shootings to be replaced by punishment beatings, which, as explained earlier, can be considerably more dangerous to long-term physical health and psychological trauma. If the standard US ceasefire focus on gun crime were implemented in a Northern Ireland Operation Ceasefire, displacement to beatings with iron bars and bats would have to be monitored carefully. And the program would have to be ready with an alternative locally attuned layer of policy adaptation that targeted both shootings and punishment beatings that caused serious injury.

With criminal justice it is normally good policy to do at least some partial layering of strategy in advance and to communicate this fact to one's targets (Braithwaite 2002: Chapter 2). The Operation Ceasefire leadership might not signal that they will escalate to X strategy and then to Y strategy if Operation Ceasefire does not work but, rather, signal to paramilitary groups that they plan to persist with attempting new strategies to combat violent paramilitary punishments until they end.

The state must build a reputation for working with its police service to stick with problems until it fixes them, and for signaling that it will stick with adaptations of an Operation Ceasefire strategy until violence stops. Then it is likely to make an Operation Ceasefire intervention work more effectively and more cooperatively than a state with a bad record of

keeping its commitments. A feeble record of communicating commitment to escalate responsively up a layered pyramid of strategies until violence ends completely is an ambivalence Northern Ireland society must now confront.

One of the options of course for the leadership of an Operation Ceasefire intervention that fails because it targets only shootings, for example, is to pull back from it and announce that before revising it and seeing it through, first it convenes a community restorative justice approach to transforming paramilitarism. This only happens if local paramilitary groups are willing to play an active role in them as a better path to ending punishment beatings as well as shootings. If the community restorative justice approaches fail repeatedly, then the next adjustment involved in a return to an Operation Ceasefire strategy would be that it would not be a Ceasefire strategy, but a 'cease punishment shootings *or beatings*' strategy, allowing the police to take over matters that communities might perceive as requiring punishment.

One vision expressed to us during our research was of Northern Irish communities with strong leaders, whether ex-paramilitary or not, who could be approached by members of the community in times of need, who would listen, and who could deal with the issue using restorative approaches and divert it to those appropriate, including the police if the issue was one of serious illegality, with commitment by all parties to no longer resort to violence as a 'solution'.

Another adaptation when announcing a return to a ceasefire strategy in a context as fraught with politically destabilising violence as Northern Ireland is to signal an intent, if the combination of restorative justice and Operation Cease Paramilitary Punishment Attacks fails, to move for anti-gang laws that expand police capabilities to deter<sup>12</sup> and to reopen historical cases against paramilitary leaders using new information recently supplied by 'supergrasses' and other sources. In explaining this, Operation Cease Paramilitary Punishment Attacks program leaders, supported by the government and the police, would counsel paramilitary leaders that if such anti-gang laws were enacted local police commanders would find more victims of paramilitary crimes who would come forward and more paramilitary members would testify against their commanders than they could ever have imagined in decades past. Moreover, the case would be put to aging paramilitary leaders that they will find that in future they will not have the clout on the street that they had in previous decades. Therefore it will be better if they manage a complete transformation

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<sup>12</sup> The Alderdice, McBurney and McWilliams (2016) report did this by referring to the option of the tougher serious and organised crime laws introduced in Scotland in 2010.

now rather than for transformation to be in the hands of a younger leader who pushes them aside and pins the sins of the past on them with the associated legal consequences.

An early stage of such a sharpening of a responsive Sword of Damocles could be to call in a local paramilitary leader to answer questions in relation to an old but serious offence, explaining that some new evidence had been received and some cold cases were being reopened. The idea of this Sword of Damocles strategy in communities where punishment beatings had been intimidating witnesses is not to actually use the sword. This is because once the state starts using this sword in a context like Northern Ireland it gets blunt very quickly. Punishment at any level short of a last resort level creates too many new niches for younger spoilers to fight back. That said, the negotiators of the ceasefire strategy must be very clear that impunity or untouchability will not continue to be the response to new incidents of violence.

One reason the sharpening of the Sword of Damocles strategy might have unusual potency in Northern Ireland is a fear paramilitary leaders expressed to us of what they described in their own words as a new 'Sword of Damocles' hanging over them. This was as a result of stories that have been leaked to the press of recent 'supergrassing', sometimes mentioned in the same breath as the 'inappropriate seizing' of the Boston College tapes (interviews with paramilitary leaders recorded with promises of confidentiality by Boston College) and using them for fresh leads on cold cases. Notwithstanding the State's reticence to acknowledge its part in supergrass actions, our proposal suggests some new ways for adapting Operation Ceasefire in a Northern Ireland context and in juxtaposition to community restorative justice as a preferred and proven strategy for Northern Ireland. State complicity in some of the violence of the recent past is one of the factors that underwrites Northern Ireland's ambivalence about fully reconciling and ending the violence of the Troubles. In some of the restorative processes we envisage there will be a need for senior representatives of the police and the British state to acknowledge restoratively elements of their complicity in past violence.

In arguing above that an Operation Cease Paramilitary Punishment Attacks strategy not be police led, but led by civil society elders with state and police backing, we bear in mind the history of the PSNI engaging with people and groups previously associated with violence.

*the community-based [restorative justice] projects initially experienced a fraught relationship with many statutory agencies, particularly over their relationship with the police. In June 1999 a protocol on restorative justice was developed between the Northern Ireland Office, the Royal Ulster Constabulary and Probation. It*

*stated: 'Any community-based initiatives in this area can only be pursued in full cooperation with the police and other criminal justice agencies. This means that any group or structures organised by the community should include provision for full cooperation and communication with the police (Payne et al 2010: 18).*

Only schemes that made structural provision for the full participation of the police would be tolerated (McEvoy & Mika 2002). Both community-based projects (*Community Restorative Justice Ireland, and Northern Ireland Alternatives*<sup>13</sup>) were later subject to a process of inspection. 'Accreditation enables both projects to seek funding and develop formal partnerships with the PSNI, statutory agencies and professional organisations.' (Payne et al 2010: 18). The PSNI have continued to be associated with these and similar restorative justice groups emerging more recently, while seeking independent validation from the Criminal Justice Inspectorate (CJINI 2008).<sup>14</sup>

In Northern Ireland, with the police seeking to develop a 'policing with the community' approach, there were and are always going to be issues raised if the public perceive police as being too close to people and groups with a paramilitary history. At the same time police must engage with local communities and groups, as one of two objectives of the 'Fresh Start' Agreement was 'to deal with the impact of continued paramilitary activity' (Northern Ireland Government 2015: 7). Fresh Start speaks of ensuring that the 'PSNI policing and criminal justice response to paramilitarism and criminal activity is delivered' (Northern Ireland Government 2015:29).

The challenge police and the wider political community face, is how to develop valid working relationships with people of influence in communities where paramilitaries exercise power—relationships that seek to end violence and intimidatory behaviour—while also being able to assert that they are committed to hold these very same people to account if they are involved in actions of a criminal nature and also committed to support more individual citizen voices to be expressed. This implies a need for a Northern Ireland version of Operation Ceasefire where it is not the police that are seen to be doing deals and making promises about when it will crack down, but a police and a government that support community leaders who negotiate with paramilitary groups to keep those promises, made in the context of a policy consensus that restorative approaches are the presumptive preference.

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<sup>13</sup> See <http://www.nicva.org/organisation/community-restorative-justice-ireland-central-office> and <http://www.alternativesrj.org/>

<sup>14</sup> Also see recent report (22 Sept 2016) commented on by Chief Inspector, <http://www.cjini.org/TheInspections/Inspection-Reports/Latest-Publications.aspx?did=1756>.

Police always speak of having to work to securing levels of hard evidence, unlike the court of public opinion. At the same time they have to work within a context and background history where many people, who have given witness statements, have later withdrawn those same statements. It was put to us by police officers that if any person or group, whether a member of the groups now working within the criminal justice system or not, committed a criminal action and sufficient evidence was gathered, the police would furnish the Public Prosecution Service with the evidence for prosecution. The more relevant reality, however, is that witness reticence or intimidation means that prosecutorial success demands massively expensive and proactive investigation and credible guarantees of witness protection. The Operation Cease Paramilitary Punishment Attacks strategy prioritises that expensive proactive targeting on paramilitary groups who break their promises for nonviolence after the date of the ceasefire agreement.

### **A Complexity Theory Approach to Complex Violence**

Braithwaite (2017) has adapted the responsiveness to complexity or chaos of the Cynefin framework (Kurtz and Snowden 2003) to control of violence. Cynefin partitions the social world into the known, the knowable (but not known), the complex and the chaotic. Braithwaite (2017) simplifies by collapsing worlds for understanding violence into the known, the knowable and the complex. The complex and the chaotic are not collapsed because of an absence of major theoretical differences between the two.<sup>15</sup> Rather they are collapsed because Braithwaite's (2017) prescriptions for responding to the unknowability of chaos are akin to those for responding to the unknowability of complexity.

Braithwaite (2017) proposes a theory of what works in crime control strategy that starts first with trying what is known from evidence-based criminology. Following this approach, two evidence-based strategies are considered in this article as ways of implementing the Alderdice, McBurney and McWilliams (2016) report: community-level and victim-individualised restorative justice and Operation Ceasefire. In accordance with responsive regulatory theory (Braithwaite 2002), first priority is given to the less coercive strategy, community restorative justice. Responsive peacebuilding opens its mind to that possibility by

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<sup>15</sup> The critical difference is that complex systems are not deterministic, while chaos theory is the study of elaborate, difficult to understand, systems that are deterministic. The determinism of chaos theory is only seemingly chaotic. In an ordinary language use of the word complex, chaos theory is complex because very minor changes to initial conditions can radically change the outcome of the system. This is the flap of the butterfly wing in Tahiti that causes a typhoon in Tulsa. What chaotic and complex systems have in common is that they are fragile and hard to comprehend, even if they are fragile for different reasons.

probing cautiously at first with strategies that are evidence-based. It monitors feedback to glean qualitative information about why the strategy fails when it does fail in a particular context. That may inform the design of a subsequent probe into the unknown with an intervention that evidence-based social science also suggests might work—in this case the back-up strategy adapted from an Operation Ceasefire approach.

This approach also has much in common with Harvard University's Problem Driven Iterative Adaptation model—step, learn, adapt, take another step (Andrews, Pritchett and Woolcock 2015). Layering assumes that in a complex world we must fail fast, learn fast and adapt fast. Each layered strategy is a safety net covering the failure of the strategy before it. Policymakers design redundant diversity into layers of strategy so they might cover weaknesses of one strategy with strengths of another.

When the fruits of intervention are disappointing, the responsive peacebuilder does two things. The first is qualitative process evaluation research on why the fix failed. The second is to probe with new layers of strategies that are consistent with our policy values and that are as evidence-based as they can be. Subsequent layers of strategy are almost certain to be less evidence-based than the strategy chosen first. The discussion of how to respond to a standard Operation Ceasefire causing a counterproductive shift from punishment shootings to punishment beatings illustrates the imperative for such a process of adaptation.

The contributions to the peacebuilding literature of Kalyvas (2003, 2006) and Autesserre (2010, 2014) suggest that the greatest sources of complexity concerning what works in peacebuilding are either at a very local level or a result of interactions between macro cleavages at the national/international level and local cleavages at the community level. Therefore we expect that community restorative justice as a strategy of first choice would fail in many local communities, as would Operation Ceasefire in the wake of that failure. Of course we must expect any strategy designed centrally to fail locally to some degree until it adapts to local community complexities and is fine-tuned by knowledgeable locals. Expecting this is central to a fail-learn-adapt strategy. After an iterated sequence of adaptations and failures, however, any strategy will eventually lose local confidence and fail permanently in that community. That is why we need to be ready to probe and layer with a second rather different strategy.

The expectation that all our interventions will mostly fail at first at the local community level does not lead to pessimism about our metastrategy for three reasons. First, probe and adapt often turns initial failure into ultimate success through iterated learning and adaptation.

Second, layers are designed to be quite different from preceding strategies, with strengths that might cover the weaknesses of the strategies that were tried first. Third, when the policymaker lays out a proposed metastrategy to a community—first this strategy, then if it fails, that strategy—the community consultation might lead to overwhelming consensus that both are bound to fail in this particular community, but that some third strategy, or some new hybrid of the proposed metastrategy, will succeed. And then this third way might succeed. With community work, this kind of empowerment of community voice in lateral thinking about the design of interventions has of course long been understood as a critical ingredient of success (Adamson & Bromiley 2008)<sup>16</sup>.

Finally, we are optimistic about the metastrategy proposed here because there is quite a bit that is not so complex or chaotic about paramilitaries in the communities where they cause most violence in Northern Ireland, indeed there is much that is well understood. The literature on peacebuilding in Northern Ireland, the Alderdice, McBurney and McWilliams (2016) report, and our own interviews all converge on the following propositions. These are propositions from the quadrant of known knowables in the Cynefin model:

- Paramilitaries are open to transforming and even to withering, but not to utterly ‘disbanding’.<sup>17</sup>
- Paramilitary leaders wish for a less violent and more just life for their children than the life of leading a paramilitary organisation.<sup>18</sup> They do want to bequeath something better than that to their children and grandchildren.
- Paramilitary leaders feel unfairly ‘demonised’ and are in search of a path to a respected place in the memory of their communities.
- Paramilitary leaders are interested in creative community development work with a restorative character that might rebuild respect for their community contributions.
- Support for paramilitaries derives partly from their narrative that they are responding to extreme localised poverty, injustice and violence. So they want to be involved in a

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<sup>16</sup> See also <http://www.buildingchangetrust.org/civic-thinking>.

<sup>17</sup> We have argued that there has been more than a grain of truth to this even in respect of the mainstream ‘ex-paramilitaries’ on ceasefire.

<sup>18</sup> On being a paramilitary leader as a ‘young man’s game’ that in the long run takes a toll of physical and psychological stress see Ferguson, Burgess and Hollywood (2015:204). They quoted one leader as saying: ‘I have children of my own and I certainly wouldn’t like them to have the same life experience as I have’ (p.205). Another said ‘What we want is a better way of life, to achieve some stability and normalness’ (p.206).



community development strategy that delivers safety, jobs and quality education to their communities. This is evident among those who have passionately engaged in community organisation leadership.

- Residual paramilitary spoilers are willing and adept at gaming impunity to become spoilers of local peace.

If these knowns about communities dominated by paramilitaries in Northern Ireland did not exist, we would have less warrant for thinking that restorative justice backed up by an Operation Ceasefire strategy, appropriately locally attuned, might work.

Before we become overly optimistic, we must add that there are also many known unknowables. The following questions are unknowables we will never be able to answer satisfactorily in advance of our probes into the world of complexity:

- If paramilitaries disband, will this create a niche for replacement paramilitaries or internationally-led organised crime groups (including from Dublin or Glasgow) that are more violent than their predecessors?
- To what degree do residual paramilitaries cause the drug problem and the violence associated with it, and to what degree do they control it by punishing drug dealers?
- To what degree are 'peacemaking' former paramilitaries that have given up arms or are on ceasefire the causes of residual violence (as some other paramilitaries claim) rather than organisations that prevent violence?
- To what degree do some current policing practices result in the police being seen as causes of violence (as dissident paramilitaries claim) rather than solutions to violence?
- To what degree would the most violent residual paramilitaries corrupt restorative justice values with violence and domination in the restorative circle?
- To what degree would criminal justice inspection and accreditation fail to regulate such corruption of restorative justice?
- To what degree would an operation ceasefire that dramatically reduced paramilitary violence shift paramilitaries to more insidious hegemonic forms of domination of communities?

Before becoming overly pessimistic in the face of so many unknowables, however, there are many ways of responding optimistically to these questions. While it is true that to an unknowable extent paramilitaries are effective in threatening drug dealers to stop selling drugs or forcing them to leave Northern Ireland, and while it may be that they could not accomplish this were they not better armed than the drug dealers, none of this rules out the possibility of former paramilitaries working with the police to enable the police to rid communities of the same dealers.

While there is a risk that paramilitaries could corrupt restorative justice, respectable non-violent organisations in numerous peaceful societies have done a much better job of corrupting restorative justice values than the IRA or Loyalist paramilitaries in Northern Ireland! Indeed, the track record of restorative justice organisations associated with paramilitary groups is outstanding so far in taking restorative justice values up through new ceilings rather than dragging them down according to Mika's (2006) independent evaluation. The latter being the case, the prospects for restorative learning communities to advance, rather than retard, the integrity of restorative values in the context of Northern Ireland are probably higher than in the rest of the UK and the rest of Ireland. It is a history where many former Royal Ulster Constabulary leaders and conservative politicians, and indeed many criminologists, argued that restorative justice could not be entrusted to former combatants who might abuse it. It also is a history where some of these very same people, once convinced of the value of restorative practices, added their significant weight to this process. The same happened in other jurisdictions such as Bougainville where former combatants came to lead restorative justice programs and indeed to win international awards for their restorative innovation in peacebuilding and violence reduction (Braithwaite et al 2010). The crucial guarantee is to embed restorative justice within a rich community debate on restorative principles and standards, again as happened from soon after the Good Friday Agreement, and to oversee it with meaningful peer review processes.

These days in the UK, the peer review of restorative justice is institutionalised under the Criminal Justice Inspectorate. Restorative learning about how communities can resist domination is one key to a future where violent domination of impoverished communities by paramilitaries is replaced by hegemonic domination. In this, restorative learning networks that are vibrant and vigilant are more important than any government inspectorate, as valuable as an inspectorate can be.

The threat of replacement 'new Loyalist paramilitaries' or 'new IRAs' is one of the realities that requires negotiation of police enforcement, supported by old paramilitaries and their

communities, that nips in the bud new sources of domination through violence. More potent community regulation of local police units than Policing and Community Safety Partnerships have been able to deliver is needed to convince communities that police violence will not return to become their main problem again. This is implicitly recognised in the Alderdice, McBurney and McWilliams (2016: 21) report.

### Conclusion

As we reflect today on the way that some in Sinn Féin call for police crackdowns on residual paramilitaries and question whether residual paramilitaries are too irresponsible to be entrusted with restorative justice, it is well to remember that the Provisional IRA started as a more violent and militarised radical flank of the traditional IRA who the police and criminologists said never should be trusted with restorative justice. It was said ex-combatants would corrupt restorative justice with their projects of violent domination of communities (McEvoy and Shirlow 2009). A paradox of Northern Ireland politics is that on both the unionist and nationalist sides of politics, it has been only comparatively the radical flanks (led by the likes of Rev Ian Paisley (radical compared to moderate unionists) and Gerry Adams (radical compared to moderate nationalists such as John Hume) who managed the move toward a restorative peace without violent political elements spoiling the peace in a major way.

In political science, this is called a 'Nixon in China' effect (Briscoe & Safford 2008; MacMillan 2006). A liberal democrat President could not go to China to normalise diplomatic relations with Mao Zedong without being accused of being soft on Communism, but an ultra-conservative president like Richard Nixon could. Likewise with shifts from armed struggle to peace, and from ruling communities through an iron fist of punishment beatings to ruling them restoratively, sometimes more radical groups can make redemptive transformation more credibly and effectively.

In this article we have argued that so long as Northern Ireland builds on its exemplary history of taking restorative justice standards seriously; contesting them through peer review; continuously improving restorative standards; enforcing best professional standards in youth, social and community work; and continually enriching them through re-invigorated restorative learning networks, there is no reason why the restorative transformations of the Provisional IRA, the Ulster Volunteer Force and Ulster Defence Association could not be

replicated by dissidents and other radical flanks, Loyalist and Republican. At the same time, we must not lose sight of the empirical insights of scholars such as Monica Toft and Barbara Walter showing that unless credible commitment is summoned to enforce the law against those who continue to rule neighbourhoods through violence, the carrots of peace will be gamed by predators. Our policy suggestion is that the weakness of community restorative justice might be covered by the strengths of variegated enforcement tools under a reconfigured 'Operation Cease Punishment Attacks'.

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